

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ABIGAIL ARAGON,

Plaintiff,

vs.

Civ. No. 05-790 MV/WDS

MEMORIAL MEDICAL CENTER,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court *sua sponte*. Defendant has filed a notice of bankruptcy. *See* Defendant's Notice of Filing of Bankruptcy, filed July 27, 2005, [Doc. No. 3] and Defendant's Notice of Bankruptcy Stay, filed December 13, 2005, [Doc. No. 6]. Upon the filing of a bankruptcy petition, the automatic stay provision provided in 11 U.S.C. § 362 prohibits "any act to collect, assess, or recover a claim against the debtor." The automatic stay remains in effect until the bankruptcy case is closed, dismissed, or discharge is granted or denied, or until the bankruptcy court grants some relief from the stay. 11 U.S.C. § 362(a), (c)(2), (d), (e), (f). Until one of these events has taken place, the Court cannot rule on Plaintiff's pending Motion to Amend Complaint to Substitute Kimberly A. Barksdale, M.D., Robin Edward, M.D., and Pawitta Kasemsap, M.D. as Defendants, filed October 12, 2005, [Doc. No. 4]. For administrative reasons, the Court would prefer not to have the motion remain on its docket pending resolution of Defendant's bankruptcy. Therefore, unless objection is received from the parties within ten days of the date of this Order, the Court will deny Plaintiff's Motion without prejudice and grant Plaintiff leave to renew her motion within thirty days of the lifting of the automatic stay in this

matter.

IT IS THEREFORE ORDERED that the parties provide any objections to the Court proceeding as outlined above within ten days of the date of this Order.

Dated this 29th day of June, 2006.



MARTHA VAZQUEZ
U. S. DISTRICT COURT JUDGE